

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARCUS MONCHERY,)	
)	
Plaintiff,)	Civil Action No. 7:23cv00462
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
DR. DRYDEN,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendant.)	

Plaintiff Marcus Monchery, a Virginia inmate proceeding *pro se*, filed this civil action under 42 U.S.C. §1983. Monchery filed identical copies of his complaint in this court and in the United States District Court for the Eastern District of Virginia. By Memorandum Opinion and Order entered July 26, 2023, the Eastern District transferred their case to this court. Now, this court has two copies of the same complaint pending before it. (*See* Civil Action Nos. 7:23cv461 and 7:23cv462.) In the interest of judicial efficiency, the court will dismiss the case transferred from the Eastern District to this court (Civil Action No. 7:23cv462), without prejudice, as duplicative of the case filed directly in this court (Civil Action No. 7:23cv461).

The court notes that, six days after filing his complaint in the Eastern District, Monchery filed 16 pages of medical records in the Eastern District case. (Civil Action No. 7:23cv462, ECF No. 3.) Inasmuch as those records have not yet been filed in this court's case, the court will direct the Clerk to copy those records (ECF No. 3) to the case that will remain

pending in this court (Civil Action No. 7:23cv461). The court will conditionally file Civil Action No. 7:23cv461 by separate order.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTERED this 27th day of July, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE